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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3724 OF 2007

IN

FIRST APPEAL NO. 1672 OF 2007

Nirmala Vasant Damle ...Applicant.

Vs.

Shrikant Trimbak Datar & ors. ...Respondents.

Mr. Sangam Sahastrabudhe for the applicant.

CORAM : ANOOP V. MOHTA,J.

DATED : 1st August, 2007

P.C.

1. The original plaintiff is respondent No.1 in the first appeal, has filed this application for interim protection and for appointment of Court Receiver on the suit property. The alternative prayer is to restrain respondent No.1 and 2 i.e. appellant Nos. 1 and 2 in the first appeal from creating any third party interest or right in the disputed property i.e. property situated at Survey No.260, Hissa No.1, Plot No. 36, admeasuring 618 sq. mtrs. situated at village Navagaon (Thakurli), Tq. Kalyan, District Thane and building standing thereon known as "Trimbak Bhavan".

2. While admitting the present appeal on 12th June, 2007 this Court has passed the following order:-

> . "However, pending the Appeal, the Appellants shall not dispose of, transfer tenancies or create any third party rights in any of the properties forming part of the estate of the parties."

3. Taking this into consideration as respondents were not heard, still the Court has granted the above protection in respect of the properties.

4. In view of the above order, the present application is disposed off, as Court has already granted the basic protection as claimed in prayer Clause (b) of Civil Application.

5. The submission in respect of the appointment of Court Receiver, in the facts and circumstances of the case, and in view of the above order, cannot be granted at the stage of this proceeding. However, the liberty is granted, if the case is made out. The Civil Application is disposed off, accordingly.

(ANOOP V. MOHTA, J.)